

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPITOL RECORDS, LLC, *et al.*, :  
: *Plaintiffs*, : 07 Civ. 9931 (WHP)  
v. :  
: MP3TUNES, LLC and MICHAEL ROBERTSON, :  
: *Defendants*. :  
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**NOTICE OF MOTION *IN LIMINE* TO PRECLUDE PLAINTIFFS FROM  
INTRODUCING CERTAIN EVIDENCE CONCERNING COVER ART**

PLEASE TAKE NOTICE that, pursuant to the Revised Scheduling Order, dated July 3, 2013 (Docket No. 376), in the above captioned action, and upon the accompanying Memorandum of Law, Declaration of Ira S. Sacks, dated September 18, 2013 and the exhibits attached thereto, and all pleadings and prior proceedings had herein, the undersigned attorneys for Defendant Michael Robertson shall move this Court, before the Honorable William H. Pauley III, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Room 20B, New York, New York 10007, at a time set by the Court, for an order precluding Plaintiffs from introducing at trial (1) Forms SR as evidence of their copyright ownership in the cover art; (2) any evidence concerning the alleged breach of the MP3tunes-Amazon license; and (3) granting other and further relief as this Court finds just and proper.

Dated: New York, New York  
September 18, 2013

Respectfully Submitted,

AKERMAN SENTERFITT LLP

By:/s/ *Ira S. Sacks*

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